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# REVIEWS.

PRINCIPLES OF THE LAW OF CONSENT, with special reference to criminal Law. By Hukm Chand, M.A. Bombay, 1897.

Another work of enormous learning, a valuable contribution to the theory of our law, has come to us from India. The learned author's work on *Res Judicata* was noticed in this magazine about three years ago; we have here a still more thorough and exhaustive study of a special topic. Mr. Chand has brought together vast stores of learning upon the nature and effect of Consent in the Criminal Law, the law of Torts, and the law of Contracts. The English, American, and Indian cases are collected and discussed with patient and intelligent care; the Codes and legal writings of France, Germany, Italy, Spain, and other countries are examined; decisions of the Cour de Cassation and the Reichsgericht are consulted; and even Mohammedan and Hindu law are placed under contribution. A mere bibliography that includes Crivelli's *Concetti Fondamentali* and the Pittsburg Reports, the Indian Law Reports and the Hungarian Penal Code is appalling. Such an assembling of authorities is in itself a work worth the doing.

In dealing with his authorities the author shows an acute and scholarly mind. The material has generally been completely mastered; here and there only the thought is obscured and the discussion confused by the mass of illustrative matter. Mr. Chand has brought out clearly the fundamental difference between the existence and the effect of consent. "Fraud does not negative consent in criminal law; and consent, even if caused by fraud, negatives an offence of which the absence of consent is an essential constituent." He well discriminates consent to pass possession from consent to pass title; and seeming consent extorted by force from real consent under duress. His comments on the important cases, like *Ashwell's* and *Helier's*, are full and sound.

Such a book is of the highest importance both to the student of legal theory and to the practising lawyer. A case like *Ashwell's* cannot now be adequately argued or decided without making use of Mr. Chand's work. It is too late to discuss the law of consent as if all material for the discussion were contained in a few cases analogous to the one in hand. We must recognize that the theory of consent runs through the whole body of the law, and is the same whether the consent is relied upon to excuse a crime or to create a contract. Rules heretofore regarded as unrelated are now seen to be mutually dependent, and are made to contribute each to the other's interpretation.

In this important field which Mr. Chand has made his own — for there is no other adequate treatment of the subject — his book is likely to remain the standard and necessary work. J. H. B.

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A TREATISE ON THE LAW OF EASEMENTS — By Leonard A. Jones. New York: Baker, Voorhis, & Co. 1898. pp. lxii, 768.

This volume is the most recent of a series of works on subjects connected with the law of real property, in which the author has already published two volumes on Mortgages, and two on the Law of Real Property in Conveyancing. The plan of these works, and the manner in which Mr. Jones has heretofore carried it out, and may be confidently expected to continue to